

Elisabeth Motsinger for Congress  
from the 5<sup>th</sup> District of North Carolina

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April 20, 2012

Federal Election Commission

999 E Street, NW

Washington, DC 20543

MUR #

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RE: DR. BRUCE G. PELLER, FEC ID No: H2NC05140, Respondent  
Request for Immediate Relief and/or for sanctions for apparent failure to comply with  
Federal Campaign Disclosure Laws by Dr. Bruce Peller and Campaign Committee

Dear Commissioners:

I am filing this letter of complaint against the individual named above and his campaign organization on behalf of the Elisabeth Motsinger for Congress committee, Complainant, for which I am the Treasurer and Legal and Compliance Director.

As of the date of this letter, neither the above-named candidate for Congress from the 5<sup>th</sup> District of North Carolina nor his apparent primary Campaign Committee, Dr. Bruce Peller for Congress, appear to have filed any required reports or disclosures with the Federal Election Commission. The only information available on the FEC website regarding the candidate is his I.D. number, which, I understand from a discussion with the FEC's Information section, is typically obtained from records submitted by the North Carolina State Board of Elections.

The lack of public information on Dr. Peller and his committee and associated committees prevents our campaign, the news media, and the general public from obtaining information regarding Dr. Peller's campaign personnel, its finances, and from whom he obtained the financing. These matters are material to a determination by the voting public on his candidacy.

It is my belief that Dr. Peller or his committee made or accrued campaign expenditures as defined in Title 2, Chapter 14, § 431 (9) (A) in excess of \$5000 before or within several days after his formal announcement, because his campaign committee had posted what appears to be a professional web site, began distributing professional grade campaign literature and materials, and obtained yard signs (which, incidentally, do not have on them the federally required "Paid for by . . ." disclosure statement). The committee apparently also obtained the services of an experienced campaign manager, Chris Church, (at least he was designated Custodian of Records) on or before March 14, 2012, as evidenced by the filing on that date of IRS Form 8871 by the campaign committee. It would appear that Dr. Peller also received contributions as defined in Title 2, Chapter 14, § 431 (8) (A) of at least \$5000 during that same time period.

Despite the prior paragraph, I contend that the requirement to file actually accrued on February 27, 2012, the date upon which Dr. Peller took the last step necessary to become a candidate by filing with the Board of Elections. See 11 CFR § 100.72(b) and 11 CFR § 100.131(b) (2012).

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Taking all these matters together, it appears that Dr. Peller was required to file FEC forms 1 and 2 at some time before the April 15, 2012, due date of FEC Form 3.

Following our "no harm, no foul" policy, we waited until after the required filing date of the first quarterly disclosure report to file this complaint in order to give Dr. Peller time to comply, believing that the Form 3, when filed, would show the information necessary for our campaign's and for the media's and the public's analysis.

Since early voting in the North Carolina primary started yesterday, it is urgent that you investigate and grant appropriate relief as soon as possible. It is very possible that the failure to file of the Peller campaign will result in irreparable harm to the Motsinger campaign and to the public's right to know about both candidates.

The Elisabeth Motsinger for Congress campaign has, to the best of its knowledge, filed on time all except one IRS 8872 report (a year end disclosure of contributions of \$3500 and disbursements of \$187). We corrected the year end IRS filing as soon as notified. The FEC, by the way, allows candidates to file those same contributions and disbursements with its first quarter report which we filed on Sunday, April 15. All required reports are available for public inspection in our offices, even if not yet posted on the IRS or Clerk of the House web sites.

Here are the relevant dates:

February 26, 2012	Dr. Peller registered to vote in Forsyth County, NC.
February 27, 2012	Dr. Peller filed with the North Carolina State Board of Elections as a candidate in the 5 <sup>th</sup> District race and has acted as and held himself out as a candidate thereafter. He was clearly not "tasting the water."
March 6, 2012	Dr. Peller formally "announced" his campaign at a function.
March 14, 2012	Dr. Bruce Peller for Congress filed IRS form 8871 listing Chris Church as custodian.
April 19, 2012	EARLY VOTING STARTS IN PRIMARY
May 8, 2012	PRIMARY ELECTION DAY

We are open to working out a remedy through the FEC conciliation program, if that would expedite the process.

Respectfully submitted for Elisabeth Motsinger for Congress,

  
John K. Motsinger, Sr., Treasurer

John K. Motsinger, Sr., known to me, personally appeared before me and affirmed that the statements made above are true either to his knowledge or, if stated to be upon information and belief, that he believes them to be true.

  
Notary Public

